IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3234 OF 2006
IN
INCOME TAX APPEAL LODGING NO.1758 OF 2006

The Commissioner of Income Tax....Appellant

Versus

M/s.Birla International P.Ltd...Respondent

Mr. A.S. Rao for the Appellant.
Mrr. P.R. Toprani, for the Respondent.

CORAM : F.I. REBELLO &
R.S. MOHITE, JJ.
DATED : 10TH DECEMBER 2007

P.C.

. There is a delay of 102 days in preferring the Appeal. For the reasons set out while disposing of Notice of Motion No.3231 of 2006 in Income Tax Appeal Lodging No.1759 of 2006 and considering the affidavit in support of the Motion the cause shown would amount to sufficient cause. Hence delay condoned and Motion made absolute subject to the Appellants paying to the Respondents costs quantified at Rs.5,000/-. The said costs to be recovered from the officers responsible for the delay. The receipt of payment of costs to be filed in the Appeal. Motion made absolute accordingly. Office to register the appeal.

(R.S.MOHITE, J.) **(F.I. REBELLO, J)**